REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 2 to 5 and 7 to 12, all other claims having been cancelled.

Claims 1 to 5, 11 and 12 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 1 was deemed confusing as lacking the transition phrase and claim 3 was deemed to be indefinite as well and claims 3 to 5 were objected to for citing the term "material" and claim 7 was objected to as not indicating what was being treated.

Applicants respectfully traverse these grounds of rejection since the amended claims are believed to properly define the invention. Claim 1 has been rewritten as new claim 12 and is a proper composition claim. Claim 3 has been amended to change "a" and "an" to "the". Claim 7 has been amended to recite that the human or an animal is being treated. Therefore, there is proper antecedent basis for all of the claims and the claims are believed to be definite. Therefore, withdrawal of these grounds of rejection is requested.

As requested by the Examiner on page 4 of the office action,

Applicants are submitting herewith the references cited in the information disclosure statement which apparently, the Patent Office lost. Also enclosed is a copy of U.S. Patent No. 5,292,802 which apparently corresponds to the reference WO 94/1483 relied upon by the Examiner. If this is not the English equivalent of the reference, the Examiner is requested to supply a copy of the reference.

Claim 1 was rejected under 35 USC 102(b) as being anticipated by WO 94/1483 and claims 2 to 5 and 7 to 11 were rejected under 35 USC 103 as being obvious over the reference taken in view of the Ron et al or Japanese 62-135431 references. The Examiner states that the reference discloses a therapeutic material comprising a protein in a hydrophilic polymer as the carrier. The Examiner refers to page 15, line 4 for teaching a morphogenetic factor and lines 13 and 14 of page 10 for teaching the polyoxyethylene-polyoxypropylene copolymer. The aqueous solution is defined beginning at line 29 of page 18 and deems the same to teach the invention. The Examiner concedes that the primary reference does not teach a method for treating osteogenetic disorders but cites the secondary references as teaching the use of bone morphogenetic factors in treating bone disorders and deems it would have been obvious to use a bone morphogenetic factor in a hydrophilic polymer of the primary reference for treating bone diseases.

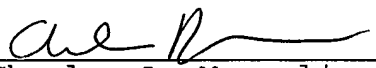
Applicants respectfully traverse these grounds of rejection

since the prior art cited by the Examiner in no way suggests Applicants' novel compositions which are directed to an aqueous solution at 1 to 30°C of a polyoxyethylene-polypropylene glycol and an effective amount of a bone morphogenetic agent wherein the molecular weight of the propylene glycol is 900 to 4,000 and the ethyleneoxide is 5 to 90% by weight of the molecule. As clearly pointed out in the application as filed and specifically in the paragraph bridging pages 6 and 7, Applicants' compositions are liquid at 1 to 30°C so that they can be administered by injection as an aqueous solution and at a temperature of about 37°C which is the body temperature, the compositions will form a gel in the body. This is more clearly defined in the first paragraph on page 6.

In contrast thereto, the reference teaches an aqueous mixture of collagen which is reacted with a synthetic hydrophilic polymer to form tubes of a collagen-polymer conjugate and this is direct contrast to Applicants' invention which wishes to avoid the use of collagen. Moreover, the copolymers do not meet Applicants' specifications which are deemed essential to obtain an aqueous solution at normal temperatures which will then form a gel in the body. The teaching of the reference is in no way related to Applicants' and one skilled in the art would in no way reach Applicants' invention therefrom. Therefore, withdrawal of these grounds of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
Bierman, Muserlian and Lucas

By: 

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Enclosures